

### **Remarks**

Claims 1, 3-5, 8, 9, 13, 16-21, 24, 28-30, 33, 34, 37, 40 and 43-48 are pending in this Application. In a final Office Action dated June 28, 2004, the Examiner rejected claims 1, 8, 9, 13, 17, 20 and 21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,889,506 to Lopresti *et al.* (Lopresti). The Examiner rejected claims 28-30, 33, 34 and 37 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,956,025 to Goulden *et al.* (Goulden). The Examiner rejected claims 28-30, 33, 34 and 37 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,097,441 to Allport (Allport). The Examiner rejected claims 3-5 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Lopresti in view of U.S. Patent No. 5,545,857 to Lee *et al.* (Lee). The Examiner rejected claims 16, 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Lopresti in view of U.S. Patent No. 5,880,411 to Gillespie *et al.* (Gillespie). The Examiner rejected claims 40, 44 and 48 under 35 U.S.C. § 103(a) as being unpatentable over Goulden in view of U.S. Patent No. 5,502,803 to Yoshida *et al.* (Yoshida) or, alternatively, in view of Allport in further view of Yoshida. The Examiner rejected claims 43, 45 and 46 under 35 U.S.C. § 103(a) as being unpatentable over Goulden in view of Gillespie or, alternatively, over Allport in view of Gillespie. The Examiner rejected claim 47 under 35 U.S.C. § 103(a) as being unpatentable over Allport in view of Lee. Applicants respectfully disagree with the Examiner's rejections and respectfully request reconsideration in light of the following arguments.

Claim 1 provides a game and home entertainment device remote control system including a remote control, a display screen and a controller. The remote control has a touch pad which generates a touch pad signal in response to a gesture on the touch pad. The display screen has a display area which is part of a television system remote from the remote control. The controller receives the touch pad signal and determine whether the touch pad signal is for controlling a game or for controlling a home entertainment device. If the touch pad signal is for controlling a game, a game activity is performed as part of playing the game in response to the touch pad signal and a result of the game activity is displayed on the display screen. If the touch pad signal is for controlling a home entertainment device, a home entertainment device control function is enabled.

The Examiner rejected claim 1 as anticipated by Lopresti. The Examiner asserts that Lopresti discloses receiving a gesture on a touch pad for controlling a game, performing a game activity in response to the gesture and displaying a result of the game activity on the display screen. The only support for games in Lopresti cited by the Examiner is at column 10, lines 44-54, reproduced as follows (emphasis added):

Tapping the "Games" button 162 (FIG. 14) brings up a window (FIG. 15) that provides a quick and easy interface for a user (even a child) to access a variety of on-line games. Some of these games may involve other players on a network. **The presently preferred embodiment of the video user environment does not directly implement any of these games,** as it is contemplated that such games would be supplied by commercial software developers. The preferred interactive games interface simply displays a plurality of icons to represent each of the available games on the user's system.

This not only fails to disclose Applicants' invention, but actively teaches away from a controller which recognizes game gestures together with home entertainment device control gestures.

Claim 1 is not anticipated by Lopresti. Claims 3-5, 8, 9, 13 and 16-21 depend from claim 1 and are therefore also patentable.

Independent claim 28 provides a remote control for controlling a home entertainment device and for playing on-screen games in conjunction with a display screen. The remote control includes a touch pad and a controller. The touch pad generates touch pad signals in response to user contact with the touch pad. *The controller recognizes gestures made on the touch pad for playing at least one game and displaying results of recognizing each gesture on the display screen.* The controller further recognizes gestures made on the touch pad for controlling the home entertainment device.

Independent claim 29 provides a method of remotely controlling a home entertainment device. At least one gesture is received on a touch pad remote from the home entertainment device. A determination is made as to whether the received gesture was made for controlling the home entertainment device or for playing a game. If the gesture was made for controlling the home entertainment device, at least one control signal is generated for the home entertainment device based on the at least one received gesture. *If the gesture was made*

*for playing a game, a game activity is performed based on the received gesture and the results of the performed game activity is displayed on a display screen.*

The Examiner rejected claim 28 as anticipated by either Goulden or Allport. Neither Goulden nor Allport teach or fairly suggest a controller which recognizes gestures for playing at least one game.

The Examiner first cites Goulden. The only mention in Goulden of playing a game appears at column 6, lines 5-8, reproduced as follows:

To get back to a previous level, the user has to touch a return soft key 806 that appears at each level, possibly also at top level 202 to enable returning to a home level, e.g., to play a video game on the display of the remote.

There is no teaching or suggestion in Goulden for performing a game activity based on a gesture received from a touch pad.

The Examiner next cites Allport. Allport discloses a remote control having "a motion picture display." (See, the Abstract.) "The display area 15 is surrounded by various physical actuating buttons 20, 25, 30, 35, 40, 45, 50, 55, and 60." Allport discloses that these buttons, and not a touch pad, are used for playing games at column 7, lines 11-35, as follows:

During virtual world communications, such as in virtual world games (single or multiple user), the benefit of the present invention is that the interface to the virtual world may be presented in various formats on the two separate displays. The player is thus provided with more strategic information. Various perspectives could be a first person view, wherein the virtual camera takes the viewpoint of a character in the world that is being played by the user; a second person view, wherein the virtual camera takes the viewpoint of a character in the world that is being played by a different user; or a third person view, wherein the virtual camera takes the viewpoint of no particular character, but instead has a global view of the world, usually focussing on the character being played by the user. The two simultaneous views may be from different perspectives, or they may be from the same perspective, with one view displaying a close-up while the other displays a "bird's eye" view, or any other combination. **Here too, the function of one of the buttons on the remote control 10** may be to swap the images shown on the displays. Or one function may be to enlarge or reduce a particular display, or to cycle through the available displays so that a player may perceive the world as one of his or

her "enemies" or "allies" is perceiving the world. **Other functions may be for other game controls, which may also be performed via an IR keyboard or other input means.**

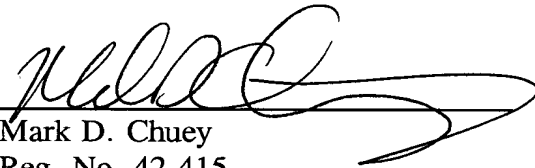
Neither Goulden nor Allport teach nor fairly suggest basing game activity on a touch pad gesture. Thus, both claims 28 and 29 are patentable over any combination of Goulden or Allport. Claims 30, 33, 34, 37, 40 and 43-48 depend from claim 29 and are therefore also patentable.

Claims 1, 3-5, 8, 9, 13, 16-21, 24, 28-30, 33, 34, 37, 40 and 43-48 are pending in this Application. Applicants believe these claims meet all substantive requirements for patentability and therefore respectfully request that this case be passed to issuance. No fee is believed due by filing this paper. However, any fee due may be withdrawn from Deposit Account No. 02-3978 as specified in the Application Transmittal

The Examiner is invited to contact the undersigned to discuss any aspect of this case.

Respectfully submitted,

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